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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,632	03/17/2004	Francois Lamarche	WAB 03193	4924

7590 09/13/2005

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EXAMINER

JULES, FRANTZ F

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/802,632

Applicant(s)

LAMARCHE, FRANCOIS

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 17-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10, 11 and 16 is/are rejected.
- 7) ☒ Claim(s) 6-9, 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-16 in the reply filed on 07/25/2005 is acknowledged.
2. Claims 17-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/25/2005.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 10, 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said at least one locking member" in line 3. There is insufficient antecedent basis for this limitation in the claim.

In claim 12, line 7, the phrase "a platform member" is confusing as it is unclear how it relates to previously recited a platform member in claim 1.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anders et al (US 3,924,545) in view of Brynielsson et al (US 4,536,004).

Anders et al discloses a movable platform apparatus for a transit vehicle having at least outer wall, said transit vehicle further having a door portal aperture formed through said at least outer wall, said door portal aperture having at least one door for at least partially covering and uncovering said door portal aperture, said transit vehicle additionally having said transit vehicle adjacent stairwell formed within said door portal aperture, said stairwell having least one step member, said movable platform apparatus for cooperating with a low stationary platform having surface disposed floor portion, a movable platform (23) having platform member including nose portion, said movable platform further having a pair of support portions, each of said pair of support portions attached each side of said platform member, a driving means coupled to said platform member; and a pair of guide means disposed within said stairwell under said floor portion.

Anders et al teach all of the features as disclosed above but does not disclose at least one pair of rolling members rotatably attached to each of the pair of the support portions. The general concept of providing a pair of rolling members rotatably attached to the support portion of a movable platform is well known in the art as illustrated by Brynielsson et al which disclose the teaching of at least one pair of rolling members (24, 25) rotatably attached to each of the pair of the support portions of a movable platform. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anders et al to include the use of at least one pair of rolling members rotatably

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attached to each of the pair of the support portions of his advantageous movable platform as taught by Brynielsson et al in order to reduce friction in the movable platform.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anders et al (US 3,924,545) and Brynielsson et al (US 4,536,004), as applied to claim 1 above and further in view of Lucas (US 5,671,684) and Long et al (US 6,435,600). Anders et al and Brynielsson et al teach all the limitations of claims 2-4 except for a movable platform comprising a controllable drive means coupled to a pinion engaging a rack integrally attached to the platform. The general concept of providing a drive means coupled to a pinion engaging a rack integrally attached to the platform in a vehicle is well known in the art as illustrated by Lucas which discloses the teaching of a drive means coupled to a pinion engaging a rack integrally attached to the platform in a vehicle, see abstract section. Also, the general concept of providing a control system to a movable structure in a vehicle is well known in the art as illustrated by Long et al which discloses the teaching of controlling of a power sliding door, see abstract section. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anders et al and Brynielsson et al to include the use of a controller coupled to

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the drive means in his advantageous movable platform as taught by Long et al in order to provide for control of the platform thereby increasing safety in the system. In addition, it would have been obvious to one skill in the art at the time of the invention to modify Anders et al and Brynilesen et al to include the use of a drive means coupled to a pinion engaging a rack integrally attached to the platform in his advantageous movable platform as taught by Lucas in order to reduce unwanted or free motion of the platform thereby increasing safety.

9. Claims 10-11, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anders et al (US 3,924,545) and Brynielsson et al (US 4,536,004) in view of Long et al (US 6,435,600).

Anders et al and Brynielsson et al teach all the limitations of claims 10-11 and 16 except for a movable platform comprising a locking switch including an obstruction detection means. The general concept of providing a locking switch including an obstruction detection means to a movable structure is well known in the art as illustrated by Long et al which discloses the teaching of a locking switch including an obstruction detection means to a movable door, see abstract section. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anders et al and Brynielsson et al to include the use of a locking switch including an obstruction detection means in his advantageous movable platform as taught by Long et al in order to provide for control of the platform thereby increasing safety in the system.

***Allowable Subject Matter***

10. Claims 6-9, 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Thorley, Hall, Grable, Barjolle et al, Bickel and Burdette Jr are cited to show related movable platform comprising rolling members rotatably attached to the support portions.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

August 24, 2005

**FRANTZ F. JULES**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', written over a horizontal line.